

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
V.)
)
THOMAS COLEMAN,)
)
Defendant.)
_____)

4:10CR3108

MEMORANDUM AND ORDER

Although he does not specify what part applies, the Defendant seeks a sentence reduction under the *First Step Act*. See *First Step Act of 2018*, Pub. L. No. 115-391, Title IV, §§ 401-404, 132 Stat. 5194, 5219-5221 (2018). I will deny the motion for two reasons.

First, because he was a prohibited person who possessed a weapon, the Defendant was convicted as an Armed Career Offender under the provisions of 18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e) and sentenced to the mandatory minimum prison sentence of 15 years. Initially, the *First Step Act* does not apply to the offense and the enhancement that brought the Defendant low. Second, except for sentencing involving “crack” cocaine, the *First Step Act*, insofar as it regards sentencing reform, is not, according to its plain terms, retroactive.

IT IS ORDERED that Defendant’s motion (filing no. 182) is denied.

January 29, 2019.

BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge